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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CHOR BOLO LOR,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>M. C. KRAMER,</p> <p>Respondent - Appellee.</p>

No. 07-16604

D.C. No. CV-05-01556-AWI

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, Chief Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

California state prisoner Chor Bolo Lor appeals pro se from the district court’s judgment dismissing his 28 U.S.C. § 2254 habeas petition as untimely. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Lor contends that the district court erred by determining that he was not entitled to certain gap tolling of the statute of limitations under 28 U.S.C. § 2244(d)(2). The district court did not err because the 140-day delay between the California Court of Appeal's denial of his habeas petition and the filing of his habeas petition with the California Supreme Court was unreasonable. *See Chaffer v. Prosper*, 592 F.3d 1046, 1048 (9th Cir. 2010) (per curiam).

We deny Lor's October 15, 2007, pro se motion requesting that this court consider additional claims not certified by the district court. *See* 28 U.S.C. § 2253(c); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

AFFIRMED.